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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,983	03/22/2002	Bradford Craig Starkie	A-71191 (461124-25)	3791
75149	7590	10/17/2008	EXAMINER	
Dorsey & Whitney LLP			SKED, MATTHEW J	
US Bank Center				
1420 Fifth Avenue			ART UNIT	PAPER NUMBER
Suite 3400				2626
Seattle, WA 98101-4010				
			MAIL DATE	DELIVERY MODE
			10/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/009,983	STARKIE, BRADFORD CRAIG	
	<b>Examiner</b>	<b>Art Unit</b>	
	MATTHEW J. SKED	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 July 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,6 and 8-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 19-28,36 and 38 is/are allowed.

6) Claim(s) 1-3,6,8 and 29-32 is/are rejected.

7) Claim(s) 9-18,33-35,37 and 39 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments with respect to claims 1-3, 6, 8 and 29-32 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.
2. Applicant's arguments, filed 7/01/08, with respect to claim 9 and 19 have been fully considered and are persuasive. The rejection of claims 9-28 and 33-39 has been withdrawn.

### ***Claim Objections***

3. Claims 29, 32 and 37 is objected to under CFR 1.75(d)(1) which states;The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

The claim was amended in the amendment filed on 2/23/06 to read "stored on a computer-readable medium," however this term lacks clear support and antecedent basis in the specification so that its meaning would be ascertainable.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6, 8 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (U.S. Pat. 6,604,075) in view of Norton et al. (U.S. Pat. 6,510,411).

As per claims 1 and 29-32, Brown teaches a method, system and development tool for developing an interactive system, including:

inputting an application file including application data representative of an application for said system, said application data including operations and input and return parameters, with parameter types for said application (client receives HTML or other mark-up language which would inherently define all the input and output variables for the application, col. 3, lines 57-67 and col. 7, lines 32-46);

generating a dialogue state machine on the basis of said application data, said state machine including slots for each operation and each input parameter, said slots defining data on which said interactive system executes the operations (generates a dialogue graph defining dialogue exchanges between agents and based on the user's input the graph moves to different dialogue states and new web pages hence the graph includes slots defining inputted data, col. 9, lines 43-67 and col. 10, lines 29-37);

generating prompts on the basis of said application data including a prompt listing said operations (web pages consist of a list of prompts, col. 10, lines 1-28); and

generating grammar on the basis of said application data (grammar compiler generates a grammar from the HTML, col. 5, lines 31-50 and col. 7, lines 32-62).

Brown does not specifically teach the dialogue state machine includes a number of procedures with variables.

Norton teaches a system for developing a dialog model for use in interactive voice response systems wherein the nodes within the dialog model include variables (col. 3, lines 10-61).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Brown to include a number of procedures with variables in the dialog state machine as taught by Norton because it would subsequent states in the dialog to be reached based upon dynamic information from the user or database.

6. As per claim 2, Brown teaches said prompts and grammar are generated on the basis of a predetermined pattern or structure for said prompts and grammar (prompts and grammar built from HTML language which includes inserted predetermined tags, col. 4, line 1 to col. 5, line 28).

7. As per claim 3, Brown teaches the grammar includes predefined grammar (grammar network defined form grammar specification grammar hence predefined, col. 5, lines and col. 7, lines 47-62).

8. As per claim 6, Brown teaches wherein said slots include value data representing the meaning of phrases or term of a slot (slots representing words, col. 5, line 31 to col. 6, line 15).

9. As per claim 8, Brown includes as reference Brown et al. (U.S. Pat Pub. 2001/0013001A1) (col. 1, lines 58-62 and col. 7, lines 47-62), cited in the previous office action and herein referred to as Brown-2001.

Brown-2001 teaches executing grammatical inference to enhance the grammar (removes redundancies in the grammar to simplify and enhance the grammar, paragraphs 61-63).

***Allowable Subject Matter***

10. Claims 19-28 and 36-38 are allowed.

11. Claims 9-18, 33-35 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art on record teaches the combination of performing a grammatical inference by processing rules of a grammar, creating additional rules representative of repeated phrases and merging equivalent symbols of the grammar wherein said rules define said slots and include said symbols. It would not have been obvious to one of ordinary skill in the art at the time of invention to modify the prior art on record to arrive at Applicant's invention.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abella et al. (U.S. Pat. 6,044,347) teaches a system for creating rule-based dialogues including variables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. SKED whose telephone number is (571)272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS  
10/08/08  
/David R Hudspeth/  
Supervisory Patent Examiner, Art Unit 2626